

## SMALL BUSINESS IMPACT STATEMENT 2016

### PROPOSED AMENDMENTS TO NAC 457

The Division of Public and Behavioral Health (DPBH) has determined that the proposed amendments should little impact upon a small business or the formation, operation or expansion of a small business in Nevada.

A small business is defined in Nevada Revised Statutes NRS 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608 (3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business in sections 1, 2, 3, and 4 below and provides the reasons for the conclusions of the agency in section 8 below followed by the certification by the person responsible for the agency.

#### **Background**

Nevada Administrative Code (NAC) Chapter 457 (Cancer) provides authorities and requirements related to reporting information on cancer to the Nevada Central Cancer Registry (NCCR). Proposed changes include amendments to re-align regulations with updated national guidelines and recommendations, improve compliance with cancer reporting requirements, and ensure complete, timely, and quality production of cancer incidence data.

#### **1) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Pursuant to NRS 233B.0608 (2)(a), the Division of Public and Behavioral Health has requested input from health care facilities, facilities that provide screening, diagnostic or therapeutic services, medical laboratories, and individual physicians in Nevada.

A Small Business Impact Questionnaire was sent to licensed health care facilities, facilities that provide screening, diagnostic or therapeutic services, medical laboratories, and individual physicians along with a copy of the proposed regulation changes, on June 9, 2016. The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

**Summary of Response**

<b>Summary Of Comments Received</b> <b>(23 responses were received out of 1,648 small business impact questionnaires distributed to valid addresses, 22 had less than 150 employees)</b>			
<b>Will a specific regulation have an adverse economic effect upon your business?</b>	<b>Will the regulation (s) have any beneficial effect upon your business?</b>	<b>Do you anticipate any indirect adverse effects upon your business?</b>	<b>Do you anticipate any indirect beneficial effects upon your business?</b>
Yes=11	Yes=0	Yes=7	Yes=0
No=7 No Response=4	No=16 No Response=6	No=9 No Response=6	No=16 No Response=6

<b>Number of Respondents out of 1,648 mailings</b>	<b>Adverse economic effect?</b>	<b>Beneficial effect?</b>	<b>Indirect adverse effects?</b>	<b>Indirect beneficial effects?</b>
23	11	0	7	0

**2) Describe the manner in which the analysis was conducted.**

A postcard with a link to the small business questionnaires and draft of proposed regulation changes were mailed to licensed health care facilities, facilities that provide screening, diagnostic or therapeutic services, medical laboratories, and individual physicians on June 9, 2016. There were a total of 23 responses with only 22 whose organization is under 150 employees. 11 reported that the change would have an adverse economic effect on their business and 7 reported an indirect adverse effect.

**3) The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.**

11 small businesses indicated that the regulation would have an adverse effect on upon the business. 8 reported it would incur an additional cost and require extra staff or staff time to the company; and 3 did not provide justification.

0 small businesses indicated that this regulation would have a beneficial effect upon the business.

7 small businesses anticipate that the regulation would have any indirect adverse effect upon their business. 2 reported it would occur additional staff time; 1 reported additional costs to the company; 2 reported that reduced staff time would affect patient care; and 2 did not provide a reason.

0 small businesses anticipate any indirect beneficial effects upon their business.

**4) Provide a description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

The Division of Public and Behavioral Health has worked to reduce the impact these proposed regulation changes would have on a small business by drafting language that aims to align with national recommendations (i.e. guidelines from the Centers for Disease Control and Prevention) which targets hospitals, medical laboratories, facilities that provide screening, diagnosis, and treatment services, and physicians specialties that diagnose and treat cancer.

The Division of Public and Behavioral Health understands that the meaning of a health care facility that is required to report as outlined under NRS 457.020 section 3 includes health care facilities that would not typically diagnose or treat cancer. To reduce the burden on these facilities the NCCR will only request patient indexes instead of a full cancer abstract to ensure the cancer case was not missed by any of the target facilities listed above.

The NCCR promotes electronic cancer reporting for efficient use of staff resources in the registry as well as in the facility/provider office.

**5) The estimated cost to the agency for enforcement of the proposed regulation.**

No additional cost.

**6) If the proposed regulation provides a new fee or increases an existing fee, the total annual amount DPBH expects to collect and the manner in which the money will be used.**

Division of Public and Behavioral Health estimates to collect \$50,000 annually. Fees collected will be utilized to support registry operations to off-set the elimination of the \$8 fee collected from hospitals.

**7) An explanation of why any duplicative or more stringent provisions than federal, state or local standards regulating the same activity are necessary.**

Public Law 102-515 authorized the CDC to fund states and territories to support cancer registries and help develop model legislation and regulation for states to support the operation of population-based statewide registries, and to comply with appropriate standards of completeness, timeliness, and quality cancer data. The proposed changes will re-align Nevada's regulations to national standards and assist the NCCR to improve compliance with cancer reporting requirements to avoid under-reporting.

**8) Provide a summary of the reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

Out of the 1,648 postcards that were mailed out 1.3 % responded. The majority of responses received from the questionnaire that indicated an adverse economic effect upon their business were health care facilities that provide home health, adult care, nursing home, or hospice services. The NCCR will work with these facilities to only request patient indexes to ensure the case was not missed by any facility or provider that diagnoses or provides treatment to cancer patients.

Responses received that indicated any indirect adverse effects upon their business also indicated the reporting mandate would require additional staff and time to comply with the reporting mandate. The NCCR is able to receive electronic files from provider electronic health care systems which would reduce staff time and resources for these providers.

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Christine Pool at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health  
4150 Technology Way, Suite 300  
Carson City, NV 89701  
Christine Pool  
Phone: 775-684-3221  
Email: cpool@health.nv.gov

**Certification by Person Responsible for the Agency**

I, Cody Phinney, Administrator of the Division of Public and Behavioral Health certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in this statement was prepared properly and is accurate.

Signature  Date: 7/5/16  
*FOR CODY PHINNEY*